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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,869	07/10/2000	Giancarlo Granata	FMCV0113PUS/199-1623	9855
22045	7590	01/02/2004		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER VO, HAI	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/612,869	GRANATA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hai Vo	1771	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☐ Claim(s) 14-17, 19, 20, 22-24, 28-31, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 18, 25-27, 32-34 and 37-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 14-17, 19, 20 and 36 are rejected under 35 U.S.C. 102(a) as being anticipated by Groendal et al (US 5,935,364) substantially as set forth in Paper no. 13. Applicants argue that Groendal does not teach a unitary pad, but an arrangement of separate, distinct and unconnected layers adjacent to one another. Applicants go on stating that these separate layers do not become connected until the application of heat. The arguments are not found persuasive for the following reasons. In the first place, Groendal does teach a unitary pad. Again, the examiner maintains that the final structure of Groendal panel is certainly not physically different from that of the claimed invention. The panel of Groendal comprises a rigid substrate, a composite pad and a cover skin wherein the composite pad is a combination of a foamed cushion layer and the topping layer of a low density polyurethane foam. Secondly, since the panel of Groendal meets all the structural limitations as required by the claims (a rigid substrate, a composite pad and a cover skin), the phrase "pre-formed" composite pad or "after-formed" composite pad becomes irrelevant with respect to the product claims. Finally, it appears that Groendal teaches all the components thereof are held together in the mold. The moment just right before the upholstered article is

formed, a foamed cushion layer and a topping layer together are considered as a preformed composite in the mold.

With newly added claim 36, Groendal teaches all the components thereof are held together in the mold. Likewise, it is apparent that the foamed cushion layer and the topping layer of a low density polyurethane foam are connected as presently claimed.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 14-16, 22-24, 28-31, 35, and 36 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while it is enabling for a composite wherein the impregnable layer is a porous, and reticulated material and non-impregnable layer is an elastomeric, foam-like material, it does not reasonably provide enablement for the claimed material wherein the nature of the impregnable and non-impregnable layers are not specified. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

### ***Claim Objections***

5. Claims 18, 21, and 31 are objected to because of the following informalities: the sentence "at least portions of the rigid substrate is present throughout the

impregnable layer " is preferably changed to -- at least a portion of the rigid substrate is present throughout the impregnable layer -- to make the claims clear. Appropriate correction is required.

***Allowable Subject Matter***

6. Claim 21 is allowed. None of the prior art discloses or suggests an automobile interior molded panel comprising:

A rigid substrate;

A composite pad comprising a non-impregnable layer made of non-reticulated elastomeric foam material and an impregnable layer made of reticulated material;

A cover skin disposed over and bonded to the substrate and the pad; wherein at least a portion of the rigid substrate is present throughout the impregnable layer; and wherein at least a portion of the rigid substrate is adjacent to the sides of the impregnable layer.

7. Claims 18, 25-27, 32-34 and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art discloses or suggests an automobile interior molded panel comprising:

A rigid substrate;

A composite pad comprising a non-impregnable layer made of non-reticulated elastomeric foam material and an impregnable layer made of reticulated material or porous material;

A cover skin disposed over and bonded to the substrate and the pad; wherein at least a portion of the rigid substrate is present throughout the impregnable layer or wherein at least a portion of the rigid substrate is adjacent to the sides of the impregnable layer.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on M,T,Th, F, 8:30-6:00 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0994.

HV

Hai Vo  
TC 1700